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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,777	07/01/2003	Rodger H. Rast	KeyboardRAST070103	5895
7590 01/17/2006			EXAMINER	
Rastar Corporation 11230 Gold Express Drive Gold River, CA 95670			DANG, HUNG Q	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/612,777

Applicant(s)

RAST, RODGER H.

Examiner

Hung Q. Dang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-54 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 21-54 have been renumbered as 8-41.

### ***Election/Restrictions***

2. A telephone call was made to Rodger Rast on 11/22/2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

3. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

**Group I**, claim(s) 1-4, specifically drawn to a keyboard having a plurality of keys that upon being pressed past a selection threshold generate a keystroke for entry into the current application, classified in class 341, subclass 22.

**Group II**, claims 21-24, specifically drawn to a system for accurately controlling HVAC systems having temperature sensor and controller for controlling temperature sensor and temperature, classified in class 340, subclass 500.

**Group III**, claim 25, specifically drawn to a counting apparatus for registering multiple categories of items in response to a touch direction applied thereto, classified in class 341, subclass 34.

**Group IV**, claim 26, specifically drawn to an apparatus for registering the height of an individual and annunciating that height, classified in class 341, subclass 173.

**Group V**, claims 27-30, specifically drawn to a system for directing the movement of an individual, classified in class 705, subclass 14.

**Group VI**, claims 31-40, specifically drawn to a system for controlling burner intensity on a stove, or similar, cooking element, classified in class 236, subclass 20.

**Group VII**, claims 41-54, specifically drawn to an apparatus for cleaning windows in multi-story buildings, classified in class 15, subclass 250.01.

**Group VIII**, claims 5-7, specifically drawn to a fan configured for personal cooling having a plurality of blades rotating at moderate speeds, classified in class 454, subclass 201.

**Inventions of groups I and II are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group I is a keyboard used for data input based on key pressure; and the invention of group II is a system for controlling an HVAC system. Clearly, the two inventions have different modes of operation.

**Inventions of groups I and III are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group I is a keyboard used for data input based on key pressure; and the invention of group III is a counting apparatus for registering multiple categories of items in response to a touch direction applied thereto. Clearly, the two inventions have different modes of operation.

**Inventions of groups I and VI are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group I is a keyboard used for data input based on key pressure; and the invention of group VI is an apparatus for registering the height of an individual and annunciating that height. Clearly, the two inventions have different modes of operation.

**Inventions of groups I and V are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group I is a keyboard used for data input based on key pressure; and the invention of group V is a system for directing the movement of an individual. Clearly, the two inventions have different modes of operation.

**Inventions of groups I and VI are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group I is a keyboard used for data input based on key pressure; and the invention of group VI is a system for controlling burner intensity on a stove. Clearly, the two inventions have different modes of operation.

**Inventions of groups I and VII are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group I is a keyboard used for data input based on key pressure; and the invention of group VII is an apparatus for cleaning windows in multi-story buildings. Clearly, the two inventions have different modes of operation.

**Inventions of groups I and VIII are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group I is a keyboard used for data input based on key pressure; and the invention of group VIII is a fan configured for personal cooling. Clearly, the two inventions have different modes of operation.

**Inventions of groups II and III are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group II is a system for controlling an HVAC system; and the invention of group III is a counting apparatus for registering multiple categories of items in response to a touch direction. Clearly, the two inventions have different modes of operation.

**Inventions of groups II and IV are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group II is a system for controlling an HVAC system; and the invention of group IV is an apparatus for registering the height of an individual and annunciating that height. Clearly, the two inventions have different modes of operation.

**Inventions of groups II and V are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group II is a system for controlling an HVAC system; and the invention of group V is a system for directing the movement of an individual. Clearly, the two inventions have different modes of operation.

**Inventions of groups II and VI are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group II is a system for controlling an HVAC system; and the invention of group VI is a system for controlling burner intensity on a stove. Clearly, the two inventions have different modes of operation.

**Inventions of groups II and VII are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group II is a system for controlling an HVAC system; and the invention of group VII is an apparatus for cleaning windows in multi-story buildings. Clearly, the two inventions have different modes of operation.



**Inventions of groups II and VIII are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group II is a system for controlling an HVAC system; and the invention of group VII is a fan configured for personal cooling have a plurality of blades rotating at moderate speeds. Clearly, the two inventions have different modes of operation.

**Inventions of groups III and IV are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group III is a counting apparatus for registering multiple categories of items in response to a touch direction; and the invention of group IV is an apparatus for registering the height of an individual and annunciating that height. Clearly, the two inventions have different modes of operation.

**Inventions of groups III and V are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group III is a counting apparatus for registering multiple categories of items in response to a touch direction; and the

invention of group V is an system for directing the movement of an individual. Clearly, the two inventions have different modes of operation.

**Inventions of groups III and VI are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group III is a counting apparatus for registering multiple categories of items in response to a touch direction; and the invention of group VI is a system for controlling burner intensity on a stove. Clearly, the two inventions have different modes of operation.

**Inventions of groups III and VII are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group III is a counting apparatus for registering multiple categories of items in response to a touch direction; and the invention of group VII is an apparatus for cleaning windows in multi-story buildings. Clearly, the two inventions have different modes of operation.

**Inventions of groups III and VIII are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04,

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MPEP § 808.01). In the instant case, the invention of group III is a counting apparatus for registering multiple categories of items in response to a touch direction; and the invention of group VIII is a fan configured for personal cooling. Clearly, the two inventions have different modes of operation.

**Inventions of groups IV and V are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group IV is an apparatus for registering the height of an individual and annunciating that height; and the invention of group V is a system for directing the movement of an individual. Clearly, the two inventions have different modes of operation.

**Inventions of groups IV and VI are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group IV is an apparatus for registering the height of an individual and annunciating that height; and the invention of group VI is a system for controlling intensity on a stove. Clearly, the two inventions have different modes of operation.

**Inventions of groups IV and VII are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group IV is an apparatus for registering the height of an individual and annunciating that height; and the invention of group VII is an apparatus for cleaning windows in multi-story buildings. Clearly, the two inventions have different modes of operation.

**Inventions of groups IV and VIII are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group IV is an apparatus for registering the height of an individual and annunciating that height; and the invention of group VIII is a fan configured for personal cooling. Clearly, the two inventions have different modes of operation.

**Inventions of groups V and VI are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group V is a system for directing the movement of an individual; and the invention of group VI is a system for controlling

burner intensity on a stove. Clearly, the two inventions have different modes of operation.

**Inventions of groups V and VII are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group V is a system for directing the movement of an individual; and the invention of group VII is an apparatus for cleaning windows in multi-story buildings. Clearly, the two inventions have different modes of operation.

**Inventions of groups V and VIII are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group V is a system for directing the movement of an individual; and the invention of group VIII is a fan configured for personal cooling. Clearly, the two inventions have different modes of operation.

**Inventions of groups VI and VII are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group VI is a system for

controlling burner intensity on a stove; and the invention of group VII is an apparatus for cleaning windows in multi-story buildings. Clearly, the two inventions have different modes of operation.

**Inventions of groups VI and VIII are unrelated.** Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, the invention of group VI is a system for controlling burner intensity on a stove; and the invention of group VIII is a fan configured for personal cooling. Clearly, the two inventions have different modes of operation.

### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q Dang whose telephone number is (571) 272-3069. The examiner can normally be reached on 9:30AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hung Q. Dang

1/9/2006

H.D.



MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

